

2005 ASSEMBLY BILL 512

1 **AN ACT** *to renumber and amend* 192.29 (5); *to amend* 192.29 (5) (title) and
2 195.286 (5); and *to create* 192.29 (5) (b) and 346.44 (1) (c) of the statutes;
3 **relating to:** traffic regulations and traffic control devices at railroad crossings
4 and providing a penalty.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 192.29 (5) (title) of the statutes is amended to read:
6 192.29 **(5)** (title) **DANGER** RAILROAD CROSSING AND YIELD SIGNS.
7 **SECTION 2.** 192.29 (5) of the statutes is renumbered 192.29 (5) (a) and amended
8 to read:
9 192.29 **(5)** (a) Wherever its track crosses a public highway or street, every
10 railroad corporation shall maintain on each side of the track ~~and near such crossing~~

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1 ~~a large signboard with the following inscription, painted in large letters: “Railroad~~
2 ~~Crossing,” in such manner as to be visible to approaching traffic on the highway or~~
3 ~~street at least 100 feet distant~~ a highway-rail-grade crossing sign, commonly known
4 as a crossbuck sign, that conforms with the manual of uniform traffic control devices
5 adopted by the department under s. 84.02 (4) (e).

6 **SECTION 3.** 192.29 (5) (b) of the statutes is created to read:

7 192.29 (5) (b) No later than July 1, 2007, at every railroad crossing at which
8 a railroad corporation is required to maintain a sign described in par. (a) and that
9 is not controlled by a gate, automatic signal, or official stop sign, the railroad
10 corporation shall install and maintain, below the sign described in par. (a), a yield
11 sign that conforms with the manual of uniform traffic control devices adopted by the
12 department under s. 84.02 (4) (e).

13 **SECTION 4.** 195.286 (5) of the statutes is amended to read:

14 195.286 (5) OTHER SIGNS PROHIBITED. No other sign of the general size or
15 appearance of the signs provided for in this section shall be placed or permitted upon
16 any highway, nor any sign between such advance signs except signs or signals now
17 required by law or permitted by the office for protection at railway crossings.

18 **SECTION 5.** 346.44 (1) (c) of the statutes is created to read:

19 346.44 (1) (c) If any crossbuck sign specified under s. 192.29 (5) (a) is
20 maintained at the crossing, while any train occupies the crossing or approaches so
21 closely to the crossing as to constitute a hazard of collision.

22 **SECTION 6. Nonstatutory provisions.**

23 (1) The department of transportation shall, upon request, provide to each
24 railroad company one yield sign for each location at which a yield sign is required to
25 be installed by the railroad company under section 192.29 (5) (b) of the statutes, as

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1 created by this act. The department may charge a fee, which may not exceed the
2 department's actual cost, for each sign provided under this subsection. The
3 department is not required to provide to any railroad company a yield sign first
4 requested after the first day of the 13th month beginning after the effective date of
5 this subsection. Every railroad company shall be responsible for the installation,
6 maintenance, and replacement, and all costs associated therewith, of any sign
7 received from the department under subsection.

8 (2) No railroad corporation may be held liable for damage to any person or
9 property arising from a traffic accident at the railroad crossing that occurs on or after
10 the effective date of this subsection and before July 2, 2007, and that is caused, or
11 asserted to be caused, in whole or in part by the railroad corporation's failure to
12 install a yield sign as provided under section 192.29 (5) (b) of the statutes, as created
13 by this act.

14 (END)